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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,787	12/15/2000	Willard F. Fougere		8899

7590 03/22/2005

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EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 03/22/2005

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,787

Applicant(s)

WILLARD FOUGERE

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following office action is in response to Amendment A filed April 1, 2003. Claims 1-3 are pending and have been amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McDonald et al (US 5,559,490).

As to dependent claim 1, McDonald et al disclose in col. 3, line 66-col. 4, lines 37, a system for manually inputting and keeping the scores of single and multiple players playing the various games of darts, said system comprising,

a case (Fig. 1, item 20, col. 5, lines 10-17),

said case having a front face (Fig. 1, item 19, col. 5, lines 15-17),

McDonald et al disclose in Fig. 1, item 15, a central display, and in Fig. 1, items 13 and 14, two four digit displays corresponding to the number of players for their score.

In Fig. 1, item 24, McDonald et al discloses a plurality of keys, including cancel/undo keys, item 28.

electronic circuitry means for connecting and controlling said display windows, said number keys and said keypads (col. 6, line 59-col. 7, line 25),

said circuitry (col. 6, line 59-col. 7, line 25) means being programmed for activating and scoring a plurality of dart score games, providing control over input errors, allowing scorekeepers to recall previous scores and making other corrections in the score displays (col. 5, lines 61-col. 6, line 30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al (US 6,279,912).

As to independent claim 3, limitations of claim 1, and further comprising, wherein said keypad comprises a four column by five row across point matrix configuration for generating a numeric value/function command. McDonald discloses a keypad for generating a numeric value/function command in col. 6, lines 1-30. McDonald does not explicitly disclose where the keypad comprises a four column by five row across point matrix configuration.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to include a keypad that comprises a four column by five row across point matrix configuration because Applicant has not disclosed that a keypad comprises a four column by five row across point matrix configuration provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the keypad

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configuration as shown in Fig. 1 and in col. 6, lines 1-30 as it provides the same function.

Therefore, it would have been an obvious matter of design choice to modify McDonald to obtain the invention as specified in the claim.

said electronic circuitry means having a microprocessor (col. 6, line 59-col. 7, line 25),

said microprocessor comprises processing firmware, a read only memory, programmed to contain the instructions in the source code list, and a microprocessor data/command input-output generator and computational device (col. 6, line 59-col. 7, line 25);

two orthogonal arrays of display windows formed therein for displaying representative standard game scores, each of said display windows comprising a seven segment display using light emitting diode arrays which are separate elements arranged in a straight line figure eight for displaying the desired numeric values 0-9 (Fig. 1, items 13 and 14, col. 5, lines 27-30, clearly shown to be seven segment display).

As to dependent claim 2, see limitations set forth in claims 1 and 3, above.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 are have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

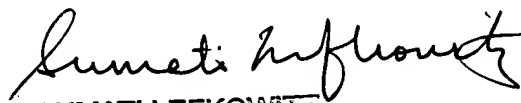
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
March 20, 2005


SUMATI LEFKOWITZ
PRIMARY EXAMINER